



City Council Meeting Agenda Monday, June 6, 2016, 7 p.m. Council Chambers, First Floor

Call To Order

Moment Of Silent Meditation

Pledge Of Allegiance

Roll Call

Ceremonial Items

Announcements by Council

Priority Items By The City Manager, City Attorney And City Clerk

[Consent Agenda]

1. Approval of City Council Minutes

To approve the City Council Minutes for the following meeting dates: March 21, 2016; March 24, 2016; April 4, 2016; April 7, 2016 and April 18, 2016.

(Resource Person: D. Ann Gray – 919-560-4166 ext. 12267) ([PR# 11148](#))

2. Durham Sports Commission – Appointments

To appoint Omar S. Beasley (term expires June 30, 2019), Dan Hill (term expires June 30, 2018) and Desmond Scott (term expires June 30, 2017) to the Durham Sports Commission.

Note: This is a newly established Board.

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 12264) ([PR# 11144](#))

3. Durham City-County Environmental Affairs Board – Reappointment

To reappoint Neil Matouka to the Durham City-County Environmental Affairs Board representing Law with the term to expire on June 1, 2019.

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 12264) ([PR# 11149](#))

4. Human Relations Commission – Appointments

To reappoint Ian Kipp (representing a White/European American Male) and Ashley Taylor Jacobs (representing a Black/African American Female) and to appoint Felicia Arriaga (representing a Hispanic/Latino American Female) to the Human Relations Commission with the terms expiring on June 30, 2019.

(Due to a vacancy and the terms expiring of Ian Kipp and Ashley Taylor Jacobs)

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 12264) ([PR# 11150](#))

5. Citizens Advisory Committee – Appointments

To reappoint Vernetta R. Alston and Bryant K. Sterling and to appoint Cynthia Williams to the Citizens Advisory Committee with the terms to expire on June 30, 2019.

(Due to the terms expiring of Vernetta Alston, Matthew McKirahan and Bryant K. Sterling)

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 12264) ([PR# 11151](#))

6. Durham Open Space and Trails Commission – Reappointment

To reappoint Alexa Kleysteuber to the Durham Open Space and Trails Commission representing Ward 1 with the term to expire on June 30, 2019.

(Due to the term expiring of Alexa Kleysteuber)

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 12264) ([PR# 11152](#))

7. Durham Board of Adjustment – Reappointment

To reappoint Michael Kriston to the Durham Board of Adjustment as a Regular Member with the term to expire on June 30, 2019.

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 12264) ([PR# 11153](#))

8. Controls over Lethal and Less-Lethal Weapons and Ammunition Performance Audit March 2016

To receive and accept the Controls over Lethal and Less-Lethal Weapons and Ammunition Performance Audit dated March 2016 as presented and approved at the April 25, 2016 Audit Services Oversight Committee meeting.

(Resource Person: Germaine Brewington – 919-560-4213 ext. 14244) ([PR# 11114](#))

9. City-County ICMA Local Government Management Fellow Interlocal Agreement

To authorize the City Manager to execute the Interlocal Agreement with the County of Durham for the International City/County Management Association Management Fellow.

(Resource Person: Josh Edwards – 919-560-4111 ext. 31271) ([PR# 11108](#))

11. Adopt a Resolution Approving the 2016 Eno-Haw Hazard Mitigation Plan

To adopt a Resolution Approving the 2016 Eno-Haw Hazard Mitigation Plan.

(Resource Person: James Groves, Durham County Emergency Management – 919-560-0660) ([PR# 11097](#))

13. This item can be found on the General Business Agenda.

14. Roof Replacements at Lake Michie and Little River Dams

To authorize the City Manager to execute a contract with Hamlin Roofing Company, Inc. for the Roof Replacements at Lake Michie and Little River Dams in the amount of \$469,012.00;

To establish a contingency fund for the contract in the amount of \$47,000.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders together with the total contract cost does not exceed \$516,012.00.

(Resource Person: Jerry Morrone – 919-560-4381 ext. 35243) ([PR# 11098](#))

15. Amendment 1 to Contract for Utility Easement Maintenance Tree Removal SR-62 2015

To authorize the City Manager to execute a contract amendment with L-J, Inc. in an amount not to exceed \$200,000.00 for the Utility Easement Maintenance Tree Removal contract;

(Resource Person: Jerry Morrone – 919-560-4381 ext. 35243) ([PR# 11107](#))

16. East Main Street Waterline Replacement Project

To authorize the City Manager to execute a contract amendment with Kimley-Horn and Associates, Inc., in an amount not-to-exceed \$339,500.00 for the American Tobacco District Waterline Replacement Contract;

To authorize the City Manager to execute a contract change order with JF Wilkerson Contracting Company, Inc., in an amount not-to-exceed \$2,380,520.40 to the Downtown Loop Waterline Replacement Construction Contract;

To provide additional funding to the contingency fund for the Downtown Loop Waterline Replacement Construction Contract in an amount not to exceed \$219,479.60; and

To authorize the City Manager to negotiate additional change orders to the Downtown Loop Waterline Replacement Construction Contract provided that the total contract cost does not exceed \$9,700,000.00.

(Resource Person: Jerry Morrone – 919-560-4381 ext. 35268) ([PR# 11135](#))

17. Resolution Approving the Application to the Local Government Commission for the Issuance of Water and Sewer Utility System Revenue Bonds

To adopt a Resolution of the City Council of the City of Durham, North Carolina, directing the application to the Local Government Commission ("LGC") for approval of Water & Sewer Utility System Revenue Bonds and requesting that the LGC approve the refunding bonds; and

To authorize the City Manager or his designee to execute other associated documents as necessary to finalize the City's application to the Local Government Commission.

(Resource Person: Chad Cowan – 919-560-4511 ext. 18238) ([PR# 11111](#))

18. April 2016 Bid Report

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of April 2016.

(Resource Person: Sue Sandhoff – 919-560-4132 ext. 18222) ([PR# 11127](#))

19. Annual Property/Casualty Insurance Plan FY17

To authorize the City Manager to maintain the general insurance plan and modify it as needed, provided the modifications are consistent with the City's overall risk management and financial objectives;

To authorize the City Manager to purchase additional insurance throughout the year, as needed for endorsements, lease and contract requirements, new programs, and builders risk insurance; and

To authorize the City Manager to expend an amount for all insurance premiums not to exceed \$975,000 to maintain the annual insurance plan and make additional insurance purchases as needed beginning July 1, 2016.

(Resource Person: Glenn LeGrande – 919-354-2740 ext. 18348) ([PR# 11136](#))

20. Resolution Designating Durham, NC a Bee City USA

To adopt a resolution designating Durham as a Bee City USA.

(Resource Person: Tania Dautlick – 919-560-4197 ext. 21260) ([PR# 10997](#))

21. Land Lease between the City of Durham and New Cingular Wireless PCS, LLC

To approve the proposed land lease with New Cingular Wireless PCS, LLC for a ten (10) year term for the continued operation of its cellular tower, located on a portion of 6605 Farrington Road, parcel #141733 (city tract #760), together with a non-exclusive twenty (20) foot wide access easement that extends to Farrington Road, a public right-of-way;

To advertise for upset bids pursuant to the procedure set forth in N.C.G.S.160A-269;

To authorize the City Manager, pursuant to Section 86.3 of the City Charter; to accept the bid from the highest responsible bidder at the conclusion of the upset bid process; and

To authorize the City Manager to execute the lease.

(Resource Person: Amy Sears – 919-560-4197 ext. 21274) ([PR# 11134](#))

22. Construction Manager at Risk Guaranteed Maximum Price (GMP) Amendment for Site Demolition, Abatement, and Soil Remediation with Lend Lease (US) Construction Inc. and Prequalification Procedures Resolution for the Police Headquarters Complex

To authorize the City Manager to negotiate and execute a Guaranteed Maximum Price (GMP) Amendment for Site Demolition, Abatement, and Soil Remediation to the CMAR contract for construction services with Lend Lease (US) Construction in an amount not to exceed \$2,145,853.00;

To establish a project contingency in the amount of \$107,292.00 and authorize the City Manager to negotiate and execute Change Orders to the GMP Amendment for Site Demolition, Abatement, and Soil Remediation so long as the amount does not exceed \$2,253,145.00; and

To adopt a Resolution approving the prequalification process for the Durham Police Department Headquarters consistent with the requirements of G.S. 143-128.1(c).

(Resource Person: Trish Creta – 919-560-4197 ext. 21258) ([PR# 11137](#))

23. North Carolina Department of Commerce One North Carolina Fund Grant Project Ordinance FY 2015- FY 2018 for the WillowTree, Inc. Expansion

To adopt the North Carolina Department of Commerce One North Carolina Fund Grant Project Ordinance FY 2015 – FY 2018 for the WillowTree, Inc. Expansion in the amount of \$73,500.00;

To accept the North Carolina Department of Commerce One North Carolina Fund Grant by ratifying the executed grant documents; and

To authorize the City Manager to execute any other grant related documents required by the One North Carolina Fund Grant for the WillowTree, Inc. Expansion Grant Project Ordinance.

(Resource Person: Darrell Solomon – 919-560-4965 ext. 15221) ([PR# 11100](#))

24. Agreement with the U.S. Geological Survey for the Study of Urban Stream Nutrient Loads and Recommended Monitoring Methods for Durham, NC City Streams

To authorize the City Manager to execute an agreement with the U.S. Geological Survey for the study of urban stream nutrient loads and for development of recommendations of monitoring methods for Durham City streams at a cost to the City of \$145,000.00, with a total project cost of \$240,000.00.

(Resource Person: Michelle Woolfolk – 919-560-4326 ext. 30219) ([PR# 11109](#))

25. 2016 Street Repairs and Repaving Project, ST-280 Contract Award

To authorize the City Manager to execute a contract for ST-280, 2016 Street Repairs and Repaving project with Barnhill Contracting Company in the amount of \$1,963,917.00;

To establish a contingency fund in the amount of \$196,391.70; and

To authorize the City Manager to execute change orders to the contract such that the total contract cost does not exceed \$2,160,308.70.

(Resource Person: Tasha Johnson – 919-560-4326 ext. 30262) ([PR# 11128](#))

26. Amendment #3 to the Contract between the City of Durham and King Management, LLC for Management of the City Owned Yard Waste and Compost Facility

To authorize the City Manager to execute Amendment #3 for the Management of the City Owned Yard Waste and Compost Facility Contract between the City of Durham and King Management, LLC.

(Resource Person: Beverly Evans – 919-560-4186 ext. 32250) ([PR# 11095](#))

29 – 40. These items can be found on the General Business Agenda – Public Hearings.

42. Purchase of a Cloud Based Learning Management System (LMS) for the City of Durham from Cornerstoneondemand, Inc.

To authorize the City Manager to execute a contract between the City of Durham and CornerstoneonDemand, Inc., for the purchase of a Cloud Based Learning Management System (LMS) in an amount not to exceed \$332,000.00 over a five (5) year period.

(Resource Person: Sharon Williams – 919-560-4214 ext. 23279) ([PR# 11119](#))

[General Business Agenda]

13. Proposed New Downtown Parking Garage

To authorize the Administration to proceed with the design, construction and delivery of the new Downtown Mixed-Use Parking Garage, consisting of approximately 750-850 parking spaces, 15,000-20,000 square feet of ground-level commercial/retail space, and a 5,000 square foot office space for the City's Division of Parking Management and investigate as a deliverable of the design services scope additional concept designs that include an affordable housing component, associated additional parking and cost models for City Council consideration.

(Resource Person: Thomas Leathers – 919-560-4366 ext. 36207) ([PR# 11139](#))

[General Business Agenda – Public Hearings]

29. Public Hearing on the Proposed FY2016-17 Budget and FY2017-2022 Capital Improvement Plan (CIP)

To conduct a public hearing and receive comments on the proposed FY2016-17 Budget and FY2017-2022 CIP.

(Resource Person: Bertha T. Johnson – 919-560-4111 ext. 20285) ([PR# 11138](#))

30. Zoning Map Change – Hope Valley Commons Business Park (Z1500023)

If a council member elects to renew the previously considered comprehensive plan amendment motion, the following motion would be appropriate:

Having conducted a public hearing and having received public comment on the Hope Valley Commons Business Park (A1500010) Plan Amendment at City Council's April 4, 2016 meeting, I would like to renew the previously considered motion to adopt a resolution to change the Future Land use from office to commercial.

To continue a public hearing and receive comments on the zoning map change for Hope Valley Commons Business Park (Z1500023);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1500023 out of Office Institutional with a development plan (OI(D)) and Commercial Center (CC(D)) and placing same in and establishing same as Commercial General with a development plan (CG(D)); and

To adopt a consistency statement as required by GS 160A-383.

(Resource Person: Kyle Taylor – 919-560-4137 ext. 28250) ([PR# 11009](#))

31. Zoning Map Change – Cornwallis Road Property II (Z1500031)

To resume a public hearing and receive comments on the zoning map change for Cornwallis Road Property II (Z1500031);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1500031 out of Residential Suburban – 20 (RS-20) and Commercial General (CG) and placing same in and establishing same as Planned Development Residential (PDR 4.131); and

To adopt a consistency statement as required by GS 160A-383.

(Resource Person: Grace Smith, AICP – 919-560-4137 ext. 28215) ([PR# 11011](#))

32. Comprehensive Plan Amendment – Compact Neighborhood Tier Policy Updates (A1500020)

To conduct a public hearing and receive comments on the Compact Neighborhood Tier Policy Updates (case A1500020) plan amendment; and

To adopt a Resolution to amend Objectives 2.2.4 and 3.3.1 of the Comprehensive Plan.

(Resource Person: Scott Whiteman, AICP – 919-560-4137 ext. 28253) ([PR# 11120](#))

33 – 37. Comprehensive Plan Amendment - Compact Neighborhood Tiers: Alston Avenue Compact Neighborhood (A1500018); Erwin Road Compact Neighborhood (A1500017); South Square/Martin Luther King, Jr. Parkway Compact Neighborhood (A1500016); Patterson Place Compact Neighborhood (A1500015); Leigh Village Compact Neighborhood (A1500014)

To conduct a public hearing and receive comments on the Comprehensive Plan Amendment - Compact Neighborhood Tiers: Alston Avenue Compact Neighborhood (A1500018) ([PR# 11121](#)); Erwin Road Compact Neighborhood (A1500017) ([PR# 11122](#)); South Square/Martin Luther King, Jr. Parkway Compact Neighborhood (A1500016) ([PR# 11123](#)); Patterson Place Compact Neighborhood (A1500015) ([PR# 11124](#)) and Leigh Village Compact Neighborhood (A1500014) ([PR# 11125](#)); and To adopt a Resolution for each plan amendment to change the Future Land Use and Development Tier for each Compact Neighborhood.

(Resource Person: Scott Whiteman, AICP – 919-560-4137 ext. 28253)

38. Modification of City of Durham's Removal of Trash and Undergrowth from Property Ordinance and Abandoned, Hazardous and Junk Vehicle Ordinance and Periodic Inspection and Registration of Rental Dwellings

To receive a presentation on NIS proposed ordinance amendments described below;

To conduct a public hearing to receive comments on: Durham City Code amendments to "Removal of Trash and Undergrowth from Property" ordinance, repeal "Residential Rental Property Registration" ordinance, amend definition of "junked motor vehicle", and Ordinance repealing Part 5-106 of the Fee Schedule; and

To adopt the above referenced Ordinances amending the Durham City Code and Fee Schedule.

(Resource Person: Faith Gardner – 919-560-1647 ext. 34235) ([PR# 11113](#))

39. Public Hearing on the Proposed Economic Development Incentive Agreement with Migrates Property 2, LLC

To conduct a public hearing and receive comments on the proposed economic development incentive agreement with Migrates Property 2, LLC per G.S. 158-7.1; and

To authorize the City Manager to execute an economic development incentive agreement with Migrates Property 2, LLC in an amount not to exceed \$100,000.00 for a building renovation project at 2201 Angier Avenue, Durham, North Carolina.

(Resource Person: Chris Dickey – 919-560-4965 ext. 15204) ([PR# 11087](#))

40. Public Hearing on the Proposed Economic Development Incentive Agreement with Habitable Space, LLC

To conduct a public hearing and receive comments on the proposed economic development incentive agreement with Habitable Space, LLC per G.S. 158-7.1; and

To authorize the City Manager to execute an economic development incentive agreement with Habitable Space, LLC in an amount not to exceed \$100,000.00 for a building renovation project at 1200 West Chapel Street, Durham, North Carolina.

(Resource Person: Chris Dickey – 919-560-4965 ext. 15204) ([PR# 11088](#))

[Supplemental Agenda Item]

43. Sewer Only Extension Agreement with Samuel and Amanda Derr to Serve 549 Continental Drive

To authorize the City Manager to enter into a Utility Extension Agreement with Samuel and Amanda Derr to serve 549 Continental Drive with a sewer service connection due to a failed septic system.

(Resource Person: Robert N. Joyner – 919-560-4326 ext. 30229) ([PR# 11194](#))

44. Resolution Memorializing A. J. Howard, Clement, III

To adopt a Resolution Memorializing A. J. Howard Clement, III.

(Resource Person: Mayor William "Bill" Bell – 919-560-4333) (PR# 11209)

[Adjournment]

Notice Under the Americans with Disabilities Act (ADA).

The City of Durham will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Stacey Poston, Acting ADA Coordinator, Voice: (919)560-4197, ext. 21254, TTY:(919) 560-1200; ADA@durhamnc.gov, as soon as possible but no later than 48 hours before the scheduled event.

